



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,995	03/28/2007	Sang-Mok Sohn	4900-0015	5131
23429 7590 11/23/2009 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER				
LEBASSI, AMANUEL				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
11/23/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/578,995

**Applicant(s)**

SOHN ET AL.

**Examiner**

AMANUEL LEBASSI

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08/21/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiumura US 20020143975 in view of Turunen US 7289792.

Regarding claim 1, Kiumura discloses a method of transmitting a multimedia message in a system having at least two Multimedia Messaging Service (MMS) servers having different versions according to the media types of multimedia messages they service (**paragraph [0080] and Fig. 17, receiving terminal is connected to a picture database server and a speech segment database server, therefore two servers** ). Kiumura discloses storing a received multimedia message in a common message storage unit when a first MMS server receives the multimedia message from a transmitting terminal (**abstract where wherein video information is stored in a speech and video synthesis**

**server ).** Kiumura discloses ascertaining specification of a receiving terminal using information of the receiving terminal included in a header of the multimedia message by the first MMS server (**paragraph [0044] where the distribution server sends a request for processing capabilities of the receiving terminal to a terminal database server, by the notifying discrimination information of the receiving terminal**). Kimura discloses including in a message both an address of a second MMS server and message information stored in the common message storage unit, and informing the receiving terminal of arrival of the new multimedia message, when the receiving terminal is ascertained as a terminal capable of reproducing the multimedia message provided from the second MMS server (**paragraph [0080] where the receiving terminal executes and outputs a speech and video synthesis by using text information received therefore a notice message**) Kimura discloses including in a message both an address of the first MMS server and message information stored in the common message storage unit and informing the receiving terminal of arrival of the new multimedia message, when the receiving terminal is ascertained as a terminal capable of reproducing the multimedia message provided from the first MMS server; and processing the multimedia message stored in the common message storage unit in response to a request from the receiving terminal and transmitting processed results to the receiving terminal (**paragraph [0112] means for receiving video information addressed to a second terminal**). However, Kimura is silent on whether the message is a

notice. Turunen teaches where the message is a notice message(**abstract, Information on the activation of the data transmission**).

At the time of invention, it would have been obvious to modify the invention of Kimura with teaching of Turunen. The motivation would be in order to in order to make mobility possible (col. 1, lines 42-45).

Regarding claim 2, Kimura discloses each of the first and second MMS servers separates the multimedia message transmitted from the transmitting terminal according to types of media data included in the multimedia message and stores the separated media data in a same folder when storing the multimedia message in the common message storage unit (**paragraph [0004] where the video and speech signals are stored in common memory unit**).

Regarding claim 3, Turunen discloses the processing of the multimedia message is performed so that the first or second MMS server selectively reads out the media data of the multimedia message stored in the common message storage unit, converts the media data into multimedia message data format reproducible by the receiving terminal, and transmits the converted multimedia message data (col. 9, lines 19-23).

3. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiumura US 20020143975 in view of Turunen US 7289792 and in further view of Marriott et al. US 7277951.

Regarding claim 4, Kimura with teaching of Turunen fail to disclose wherein one of the first and second MMS servers includes a server providing a SML multimedia messaging service for transmitting a SML multimedia message, the SML multimedia message being created using a template, the template including text, image, background music and voice menu items and an image production menu item.

However, Marriott teaches wherein one of the first and second MMS servers includes a server providing a SML multimedia messaging service for transmitting a SML multimedia message, the SML multimedia message being created using a template, the template including text, image, background music and voice menu items and an image production menu item (col. 5, lines 53-59).

At the time of invention, it would have been obvious to modify the invention of Kimura and Turunen with teaching of Marriott. The motivation would be in order to translate all message content, if necessary, to a form compatible with the recipient (col. 3, lines 5-6).

Regarding claim 5, the combination of above discloses wherein the template provides a function of previewing a produced image when the image is produced using the image production menu item (see above).

Regarding claim 6, Marriott discloses wherein the template includes a function of controlling display format of the input text(col. 5, lines 53-59).

### *Conclusion*

1. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amanuel Lebassi, whose telephone number is (571) 270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Art Unit: 2617

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Amanuel Lebassi*

/A. L./

11192009

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617